

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

JAKE AYERS, JR.; BENNIE G. THOMPSON;  
VIRGINIA HILL; B. LEON JOHNSON; PAMELA  
GIPSON, INDIVIDUALLY AND ON BEHALF OF  
ALL OTHERS SIMILARLY SITUATED; ET AL.,  
Plaintiffs

UNITED STATES OF AMERICA,  
Plaintiff/Intervenor

v. NO. 4:75CV009-B-O

HALEY BARBOUR, GOVERNOR, STATE OF  
MISSISSIPPI, BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING,  
ET AL.,

Defendants

**ORDER DENYING MOTION TO APPOINT MONITOR**

Came on to be considered this day the letter motion dated September 25, 2006, by Mr. Ivory Phillips, a member of the plaintiff class herein, moving the court that this case be reopened, that the court order an evidentiary hearing to ascertain if the settlement agreement herein is being complied with, and that Mr. Phillips and other members of the class unnamed by him be appointed by the court as monitors to oversee the settlement agreement. After considering the motion and giving it all benefits of a pro se motion, the court denies the motion. The settlement agreement in this case, agreed to by the defendant State of Mississippi, the plaintiffs represented by the United States Department of Justice, and several private attorneys representing private plaintiff members of the class, and approved by the court, provides for no monitors to monitor the settlement agreement. The

court is of the opinion that a re-opening of this case because of dissatisfaction with the implementation of the settlement agreement, previously agreed to by all parties, would have to be done by the State of Mississippi, the United States Department of Justice, or a showing by private plaintiffs specifically pleaded by particulars of a substantial departure or refusal to carry out the agreement as agreed to by the parties and approved by the court. Therefore, the motion must be and is hereby **DENIED**.

**ORDERED AND ADJUDGED** this, the 27<sup>th</sup> day of February, 2007.

/s/ Neal Biggers

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**NEAL B. BIGGERS, JR.**  
**SENIOR U. S. DISTRICT JUDGE**